

## Application by Morgan Offshore Wind Limited for an Order Granting Development Consent for the Morgan Offshore Wind Project: Generation Assets

### Issue Specific Hearing 3

**Date:** 12 February 2024

**Venue:** MS Teams

### Action Points

All actions to be submitted at Deadline 6 (D6) unless otherwise stated.

No	Party	Action
1	Applicant and Interested Parties (IPs)	Submit written summary of oral representations and evidence presented at Issue Specific Hearing 3 (ISH3).
Agenda Item 3 – Shipping and Navigation		
2	Applicant	Respond to Stena Line's query made at D5 [REP5-088] (item 3) as to if or how an extended commencement period of 7 years instead of 5 years would affect the assessment of potential cumulative navigational effects arising from the construction of offshore wind farm (OWF) projects "occurring simultaneously or overlapping".
Agenda Item 4 – Aviation and Radar		
3	Applicant Blackpool Airport	Submit report on urgent engagement with Blackpool Airport on wording for a draft Development Consent Order (DCO) mitigation requirement consistent with that for Mona and Morecambe draft DCO's.
Agenda Item 5 – Commercial Fisheries		
4	Applicant	Review and clarify drafting in the In-Principle Monitoring Plan (IPMP) regarding scallop adaptive management contingency, currently " <i>The Applicant would ensure that the MMO and relevant stakeholders are aligned that...</i> "
Agenda Item 6 – Other Offshore Infrastructure and Sea User Matters		
5	Orsted	Submit details of approach to lifetime extensions of the individual Orsted IPs arrays to the Applicant directly no later than Wednesday 19 February and at D6 to the Examining Authority.
6	Applicant	Respond to Orsted IPs submission required in the previous Action.
Agenda Item 7 – Offshore Ecology and Ornithology		
7	Applicant	Amend paragraph 1.4.4.4 of the draft Marine Mammal Mitigation Protocol (MMMP) to state that Permanent

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		Threshold Shift may occur out to a maximum of 254m for harbour porpoise due to Sub Bottom Profiling.
8	Applicant	Amend paragraph 1.1.1.5 of the draft MMMP to replace reference to Schedules 23 and 43 with Schedules 3 and 4.
9	Applicant	Amend paragraph 1.1.1.5 of the draft Underwater Sound Management Strategy (UWSMS) to replace reference to Schedules 2 and 3 with Schedules 3 and 4.
10	Applicant	Submit a statement explaining how the Application and its supporting documents comply (or not as the case may be) with marine noise policy papers and guidance issued by DEFRA and the JNCC on 21 January 2025, specifically the following: <ul style="list-style-type: none"> <li>• <a href="#">Reducing Marine Noise Policy</a>;</li> <li>• <a href="#">The Marine environment: unexploded ordnance clearance Joint Position Statement</a>, and the associated <ul style="list-style-type: none"> <li>○ <a href="#">JNCC guidelines for minimising the risk of injury to marine mammals from UXO clearance in the marine environment</a>); and</li> </ul> </li> <li>• <a href="#">The Joint Position Statement on the use of quieter piling methods and noise abatement systems when installing offshore wind turbine foundations</a>.</li> </ul>
11	Marine Management Organisation (MMO) Natural England Natural Resources Wales (NRW) JNCC	The ExA invites the MMO, Natural England, NRW and JNCC to submit any comments they may have on the Application's compliance (or not as the case may be) with the marine noise policy and guidance documents listed in Action Point 10 above. Identify, if necessary, any revisions that would need to be made to the application, its supporting documents and/ or the draft DCO to address any application shortcomings in light of the marine noise policy and guidance.
12	Applicant NRW	In advance of D6, the Applicant is requested to submit the information sought by NRW concerning the estimated number of animals disturbed by vessels, as detailed in REP5-083, in relation to second written question (ExQ2) MM 1.17. The Applicant and NRW are then requested to submit at D6, confirmation on whether the matter has or has not been resolved to the satisfaction of NRW.
13	Applicant	Amend Tables 1.5 and 1.7 of the IPMP to clarify whether the five-year queen scallop monitoring and the invasive non-native species and colonisation of hard structures monitoring will commence immediately after installation of the final turbine or after commencement of generation of the array.

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14	Applicant	Update the 'Monitoring Approach' column of Tables 1.3 and 1.4 in the IPMP by replacing the words 'four months' with 'six months'. Similarly update the 'Delivery' column of Table 1.1 in the Commitments Register by replacing the words 'four months' with 'six months' for Commitment reference numbers: Co25, Co32, Co55, Co66, Co88, Co89, Co90, Co91, Co95 and Co96.
Agenda Item 8 – Draft Development Consent Order		
15	Applicant MMO	Applicant to revisit Condition 22 in Schedules 3 and 4 of the draft DCO to consider whether the requirement for an Underwater Sound Management Strategy (UWSMS) should be reinstated within that Condition to be submitted to the MMO for approval prior to any piling or low order UXO clearance taking place; or provide a detailed explanation as to why an UWSMS is no longer required for low order UXO clearance.  The MMO is also requested to provide advice on Condition 22 (as amended by the Applicant in REP5-018 Tracked) and whether there remains a need for an UWSMS to be required and submitted to the MMO for low order UXO clearance.
16	Applicant	Amend the draft DCO to remove the following words from condition 23(2) in Schedules 3 and 4: “(excluding the information required under sub-paragraphs (1)(a)(ii) and (1)(a)(iii))” or explain why the retention of these words in the condition is necessary.
17	Applicant	The Applicant is requested to undertake a review of the whole draft DCO for consistency and appropriateness of the use of the following words in requirements and conditions: 'commence', 'take place' and 'begin'.
18	Applicant	In line with Section 4.5 of the MMO submission REP5-056a, amend Part 1(2)(h) and Condition 18(5) in Schedules 3 and 4 of the draft DCO to include details of the inert material disposal site IS155.
19	Applicant MMO	Provide an update on discussions on the preferred wording of condition 24 in Schedules 3 and 4 of the draft DCO relating to the Marine Noise Registry (including whether it should be confined to pile driving only) and ideally an agreed position and revised drafting of the condition.
20	Applicant MMO	Without prejudice to its in principle objection to Article 7 of the draft DCO relating to the Transfer of Benefit, the MMO is requested to provide comment on whether Article 7 could be improved by the inclusion of a specified notice period in Article 7(9) before a transfer could take effect, specifically whether the following

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		<p>underlined words should be added into Article 7(9)(a)(ii):</p> <p>(ii) the date on which the transfer will take effect (<u>which must be at least 28 days after the date on which the notice is given</u>).</p> <p>The Applicant is also invited to comment on the inclusion of the tailpiece as drafted above.</p>
21	Applicant MMO	<p>Without prejudice to its in principle objection to Condition 19 of Schedules 3 and 4 of the draft DCO relating to Force Majeure, the MMO is requested to provide comment on whether condition 19 could be improved by the inclusion of a sub part as follows:</p> <p><i>(2) The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO.</i></p> <p>The Applicant is also invited to comment on the inclusion of a part (2) as drafted above.</p>
Agenda Item 10 – Any Other Matters		
22	Bodorgan Marine Limited	Bodorgan Marine Limited/ DeepDock to respond in writing to questions of technical clarification.